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9 **THE BANK OF NEW YORK MELLON and; BANK OF AMERICA, N.A., as
10 successor by merger to BAC Home Loans Servicing, LP, successor in interest to
11 Countrywide Home Loans Servicing, LP**

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JS-6

19 Attorney for Plaintiffs
20 PEDRO BARAHONA and ANDREA BARAHONA

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

23 PEDRO BARAHONA and ANDREA
24 BARAHONA

25 Plaintiffs,

26 vs.

27 TAMAYO FINANCIAL SERVICES,
28 INC.; BANK OF NEW YORK, as
trustee for securitized trust CWABS
ASSET-BACKED CERTIFICATES
TRUST 2007-12; BANK OF
AMERICA, N.A., as successor by
merger to BAC Home Loans Servicing,
LP, successor in interest to
Countrywide Home Loans Servicing,
LP, and MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, aka
“MERS” and DOES 1 through 100,
inclusive,

Defendants.

CASE NO. 2:12-cv-08738-FMO-E

Removed from Los Angeles County
Superior Court Case No. LC098232

ORDER TO REMAND

Judge: Judge Fernando M. Olguin
Courtroom: F

Date Action Filed: August 28, 2012
FAC Filed: November 7, 2012

Trial Date: April 14, 2014

ORDER

1. Plaintiffs' causes of action brought under (1) the Truth in Lending Act ("TILA") and (2) the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. 2601, *et seq.* are dismissed with prejudice.

2. This matter is hereby remanded to The Superior Court for the State of California, County of Los Angeles from where it originated as civil matter LC098232.

3. All future filing deadlines, hearing dates, conferences and trials calendared by this Court in this matter are hereby VACATED.

IT IS SO ORDERED:

DATE: February 20, 2013

/s/

Hon. Fernando M. Olguin
United States District Court Judge
Central District of California

CERTIFICATE OF SERVICE

2 I hereby certify that on February 18, 2013, I electronically filed the foregoing
3 **[PROPOSED] ORDER TO REMAND** with the Clerk of the Court using the
4 CM/ECF system and served a copy of same upon all counsel of record via the
5 Court's electronic filing system.

By: /s/ Joseph V. Quattrocchi